

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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PUBLIC CITIZEN, )  
1600 20th Street NW )  
Washington, DC 20009, )  
)  
PUBLIC CITIZEN FOUNDATION, )  
1600 20th Street NW )  
Washington, DC 20009, )  
)  
and )  
DAVID HALPERIN, )  
c/o Public Citizen )  
1600 20th Street NW )  
Washington, DC 20009, )  
)  
Plaintiffs, )  
)  
v. )  
ELISABETH DEVOS, )  
in her official capacity as Secretary of the )  
U.S. Department of Education, )  
Office of the Secretary )  
400 Maryland Avenue SW )  
Washington, DC 20202, )  
)  
and )  
UNITED STATES DEPARTMENT OF )  
EDUCATION, )  
400 Maryland Avenue SW )  
Washington, DC 20202, )  
)  
Defendants. )  
)

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. This action seeks declaratory and injunctive relief under the First Amendment and the Administrative Procedure Act (APA) to halt the Department of Education (ED) from blocking

users of its network from visiting Public Citizen’s website, in violation of the First Amendment rights of Public Citizen and users who wish to receive information from Public Citizen.

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction under 28 U.S.C. § 1331. Venue is proper under 28 U.S.C. § 1391(e) and 5 U.S.C. § 703.

### **PARTIES**

3. Plaintiff Public Citizen is a national non-profit public-interest organization founded in 1971, with members and supporters nationwide. Along with its sister organization, plaintiff Public Citizen Foundation (hereafter collectively, Public Citizen), Public Citizen represents consumer interests through lobbying, litigation, administrative advocacy, research, and public education on a broad range of issues, including consumer rights in the marketplace, financial regulation, and corporate accountability. Public Citizen also works to promote openness in government and disseminates on its website ([www.citizen.org](http://www.citizen.org)) information to advance government accountability. Both Public Citizen and Public Citizen Foundation are “persons” under the APA, 5 U.S.C. § 551(2).

4. Plaintiff David Halperin is a Washington, D.C.-based lawyer who engages in public advocacy work and writes investigative articles on a wide range of issues, including higher education issues. He is a member of Public Citizen.

5. Defendant Elisabeth DeVos is the United States Secretary of Education and charged with the supervision and management of all decisions and actions within ED. Plaintiffs sue Secretary DeVos in her official capacity.

6. Defendant ED is an agency of the United States.

## STATEMENT OF FACTS

7. Public Citizen maintains a website at the Uniform Resource Locator (URL) [www.citizen.org](http://www.citizen.org). Public Citizen uses its website to disseminate information about its work to the public. Public Citizen makes its website accessible without limitation to all persons who have a connection to the Internet.

8. The information that Public Citizen disseminates through its website includes material directly relevant to, and often critical of, ED's administration of its statutory responsibilities. For example, in December 2018, Public Citizen released a report on its website entitled "Rewriting the Teach Grant Rules: Lessons from a History of Mismanagement," which provided a critical analysis of grant-to-loan conversions under ED's TEACH Grant program. The report found that decisions and errors made by ED in its administration of the program contributed to the staggering number of teachers whose educational grants have been erroneously converted to student debt. Available at [https://www.citizen.org/system/files/case\\_documents/teach\\_report.pdf](https://www.citizen.org/system/files/case_documents/teach_report.pdf). Public Citizen also uses its website to inform the public about litigation that it has undertaken, including litigation against Secretary DeVos and ED. *See, e.g., Bauer v. DeVos* Webpage, available at <https://www.citizen.org/our-work/litigation/cases/bauer-v-devos>.

9. Public Citizen also uses its website to communicate information to the public about the actions of other government agencies, as well as Public Citizen's views of and responses to such actions. In many cases, Public Citizen has expressed views on its website that are critical of actions taken by the current Administration, of which Secretary DeVos is a cabinet member.

10. ED operates Wi-Fi networks that it makes available to visitors attending meetings at its headquarters, located at 400 Maryland Avenue SW, Washington, DC, as well as other ED

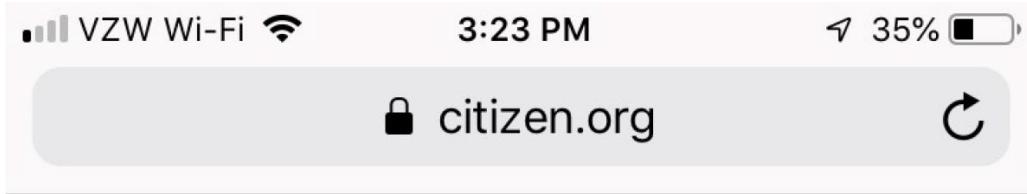
offices, including at 550 12th Street SW, Washington, DC. ED provides a password to allow such visitors to access the guest Wi-Fi.

11. ED's guest Wi-Fi networks enable users who log on through their smartphones or other electronic devices to access the Internet. For example, visitors who log on to ED's Wi-Fi network can use the network to access ED's webpage at [www.ed.gov](http://www.ed.gov) on their smartphones or computers.

12. ED also operates an internal network that allows ED personnel to access the Internet through their work computers or other work devices.

13. Public Citizen staff member Patrick Llewellyn attended a meeting at ED's 550 12th Street location on February 22, 2019. He logged onto ED's Wi-Fi network to access the Internet during that meeting to obtain information relevant to the reasons for his presence at the meeting. While logged on to the Wi-Fi network, Mr. Llewellyn was able to use ED's Wi-Fi network to access numerous websites, including websites of various advocacy groups and trade associations.

14. When Mr. Llewellyn attempted to access Public Citizen's website, he received a message on his device indicating that access to "URL: [www.citizen.org/](http://www.citizen.org/)" is "in violation of your Internet usage policy." The message stated that Public Citizen's URL falls within "Category: Advocacy Organization." The following is a copy of the message that Mr. Llewellyn received on February 22, 2019, when attempting to access Public Citizen's website while on ED's Wi-Fi system:

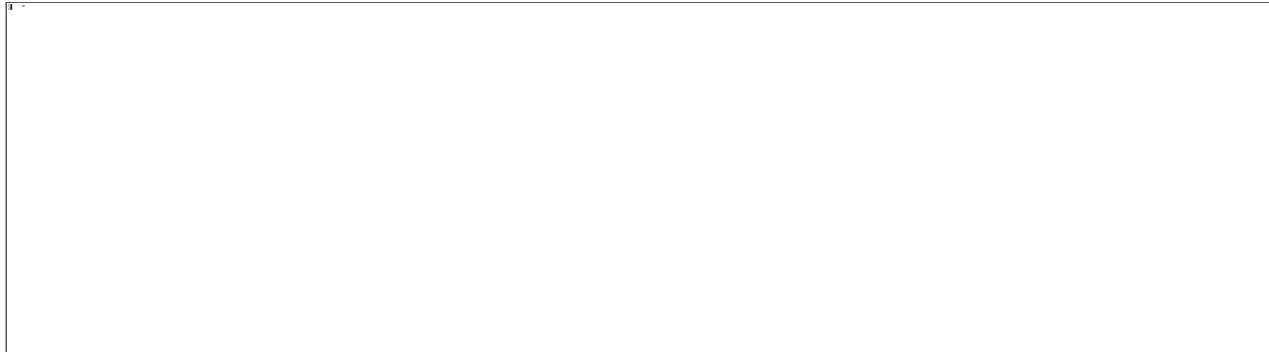


**URL: www.citizen.org/**

**Category: Advocacy Organizations**

15. As part of his work, Mr. Halperin regularly visits ED's offices to attend negotiated rule-making sessions and public hearings and to meet with ED officials and staff. During those visits, Mr. Halperin uses ED's Wi-Fi network to access the Internet to obtain information relevant to the subjects of those events and meetings. While logged on to the Wi-Fi network, Mr. Halperin has been able to access numerous websites.

16. For approximately the past year, however, Mr. Halperin has been blocked from accessing Public Citizen's website on ED's guest Wi-Fi networks. When attempting to access Public Citizen's website while logged onto ED's Wi-Fi network, he has received messages on his device indicating that access to "URL: www.citizen.org/" is "in violation of your Internet usage policy." The messages stated that Public Citizen's URL falls within "Category: Advocacy Organization." The following is a copy of a message that he received when attempting to access Public Citizen's website while on ED's guest Wi-Fi system on March 25, 2019:



17. On information and belief, users of ED's internal network similarly cannot access Public Citizen's website.

18. ED has not publicly stated any reason for blocking users of its Wi-Fi or internal networks from accessing Public Citizen's website.

19. ED has no legitimate justification for blocking access to Public Citizen's website.

20. ED does not block users of its Wi-Fi and internal networks from accessing the websites of numerous other organizations that engage in advocacy.

21. The website of Public Citizen does not pose any unique or materially heightened risk of network congestion or other harm to ED's Wi-Fi or internal networks, as compared to websites accessible on ED's networks.

22. ED's action blocking access to Public Citizen's website burdens Public Citizen's speech by making it more difficult for Public Citizen to communicate information to users of ED's Wi-Fi and internal networks, including information relevant to the work performed by ED personnel and that of visitors to ED's headquarters.

23. ED's action blocking access to Public Citizen's website burdens the First Amendment right of visitors attending meetings at ED, including Mr. Halperin and staff of Public Citizen, to receive information while visiting ED's headquarters and logged onto ED's network, including information relevant to the work performed by ED personnel and that of such visitors.

24. ED's decision to block access to Public Citizen's website from ED's networks is final agency action under the APA.

**FIRST CAUSE OF ACTION  
(First Amendment)**

25. Plaintiffs have a non-statutory right of action to enjoin and declare unlawful unconstitutional action of a federal official or agency.

26. Defendants' action blocking Public Citizen's website on its guest Wi-Fi and internal networks violates the First Amendment because it imposes a viewpoint-based and/or content-based restriction on Public Citizen's protected speech and because it singles out Public Citizen for restrictions that do not apply to similarly situated speakers.

27. Defendants' action blocking access to Public Citizen's website on its guest Wi-Fi and internal networks violates the First Amendment because it imposes a viewpoint-based and/or content-based restriction on Plaintiffs' right to access and read Public Citizen's speech.

**SECOND CAUSE OF ACTION  
(APA)**

28. The APA directs reviewing courts to hold unlawful and set aside agency action found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

29. Defendants' decision to block access to Public Citizen's website on its Wi-Fi and internal networks is unsupported by reasoned decisionmaking and fails to consider adequately the First Amendment interests implicated by its blocking practice.

30. Defendants' decision to block access to Public Citizen's website on its Wi-Fi and internal networks is arbitrary, capricious, an abuse of discretion, and contrary to law."

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs requests that this Court:

31. Declare that Defendants' action blocking users on its guest Wi-Fi network from accessing Public Citizen's website is unconstitutional;
32. Declare that Defendants' action in blocking users on its Wi-Fi and internal networks from accessing Public Citizen's website violates the APA because it is not supported by reasoned decisionmaking, arbitrarily treats similarly situated persons differently, and fails to consider or preserve the important First Amendment principles at stake;
33. Enjoin Defendants from blocking access to Public Citizen's website on its Wi-Fi and internal networks;
34. Award Plaintiffs their costs, including reasonable attorneys' fees, pursuant to 28 U.S.C. § 2412; and
35. Grant such other and further relief as this Court may deem just and proper.

Dated: April 9, 2019

Respectfully submitted,

/s/ Nandan M. Joshi  
Nandan M. Joshi (DC Bar No. 456750)  
Allison M. Zieve (DC Bar No. 424786)  
Scott L. Nelson (DC Bar No. 413548)  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009  
(202) 588-1000

## CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<b>I. (a) PLAINTIFFS</b>		<b>DEFENDANTS</b>	
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)		COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED	
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)		ATTORNEYS (IF KNOWN)	
<b>II. BASIS OF JURISDICTION</b> (PLACE AN X IN ONE BOX ONLY)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <u>FOR DIVERSITY CASES ONLY!</u>	
<input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)		PTF      DFT      PTF      DFT Citizen of this State <input type="radio"/> 1 <input type="radio"/> 1      Incorporated or Principal Place of Business in This State <input type="radio"/> 4 <input type="radio"/> 4	
<input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)		Citizen of Another State <input type="radio"/> 2 <input type="radio"/> 2      Incorporated and Principal Place of Business in Another State <input type="radio"/> 5 <input type="radio"/> 5	
		Citizen or Subject of a Foreign Country <input type="radio"/> 3 <input type="radio"/> 3      Foreign Nation <input type="radio"/> 6 <input type="radio"/> 6	

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> <b>A. Antitrust</b>  410 Antitrust	<input type="radio"/> <b>B. Personal Injury/ Malpractice</b>  310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Medical Malpractice 365 Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  151 Medicare Act  <u>Social Security</u> 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))  <u>Other Statutes</u> 891 Agricultural Acts 893 Environmental Matters 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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**E. General Civil (Other)**      **OR**      **F. Pro Se General Civil**

<b>Real Property</b> 210 Land Condemnation 220 Foreclosure 230 Rent, Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	<b>Bankruptcy</b> 422 Appeal 27 USC 158 423 Withdrawal 28 USC 157  <b>Prisoner Petitions</b> 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Conditions 560 Civil Detainee – Conditions of Confinement  <b>Property Rights</b> 820 Copyrights 830 Patent 835 Patent – Abbreviated New Drug Application 840 Trademark	<b>Federal Tax Suits</b> 870 Taxes (US plaintiff or defendant) 871 IRS-Third Party 26 USC 7609  <b>Forfeiture/Penalty</b> 625 Drug Related Seizure of Property 21 USC 881 690 Other  <b>Other Statutes</b> 375 False Claims Act 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment 430 Banks & Banking 450 Commerce/ICC Rates/etc. 460 Deportation	462 Naturalization Application 465 Other Immigration Actions 470 Racketeer Influenced & Corrupt Organization 480 Consumer Credit 490 Cable/Satellite TV 850 Securities/Commodities/ Exchange 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> <b>G. Habeas Corpus/2255</b>  530 Habeas Corpus – General 510 Motion/Vacate Sentence 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act)	<input type="radio"/> <b>J. Student Loan</b>  152 Recovery of Defaulted Student Loan (excluding veterans)
*(If pro se, select this deck)*			
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  441 Voting (if not Voting Rights Act) 443 Housing/Accommodations 440 Other Civil Rights 445 Americans w/Disabilities – Employment 446 Americans w/Disabilities – Other 448 Education	<input type="radio"/> <b>M. Contract</b>  110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholder's Suits 190 Other Contracts 195 Contract Product Liability 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  441 Civil Rights – Voting (if Voting Rights Act)
<b>V. ORIGIN</b> <input type="radio"/> 1 Original Proceeding <input type="radio"/> 2 Removed from State Court <input type="radio"/> 3 Remanded from Appellate Court <input type="radio"/> 4 Reinstated or Reopened <input type="radio"/> 5 Transferred from another district (specify) <input type="radio"/> 6 Multi-district Litigation <input type="radio"/> 7 Appeal to District Judge from Mag. Judge <input type="radio"/> 8 Multi-district Litigation – Direct File			
<b>VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)</b>			
<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$ JURY DEMAND:</b>	Check YES only if demanded in complaint <b>YES</b> <b>NO</b>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	<b>YES</b> <b>NO</b>	If yes, please complete related case form
<b>DATE:</b> _____	<b>SIGNATURE OF ATTORNEY OF RECORD</b> _____		

**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

Public Citizen;	)
Public Citizen Foundation; and	)
David Halperin	)
	)
<i>Plaintiff(s)</i>	)
v.	)
Elisabeth Devos, in her official capacity as Secretary	)
of the U.S. Department of Education; and	)
United States Department of Education	)
	)
<i>Defendant(s)</i>	)

Civil Action No. 1:19-cv-986

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* William Barr  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nandan M. Joshi  
Allison M. Zieve  
Scott Nelson  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: 04/09/2019

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:19-cv-986

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* William Barr, Attorney General  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

Public Citizen;	)
Public Citizen Foundation; and	)
David Halperin	)
	)
<i>Plaintiff(s)</i>	)
v.	)
Elisabeth Devos, in her official capacity as Secretary	)
of the U.S. Department of Education; and	)
United States Department of Education	)
	)
<i>Defendant(s)</i>	)

Civil Action No. 1:19-cv-986

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* U. S. Department of Education  
Office of General Counsel  
400 Maryland Avenue,  
S.W. Room 6E300  
Washington, DC 20202-2111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nandan M. Joshi  
Allison M. Zieve  
Scott Nelson  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: 04/09/2019

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:19-cv-986

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))***

This summons for *(name of individual and title, if any)* Elisabeth Devos, in her official capacity as Secretary of Education was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

Public Citizen;	)
Public Citizen Foundation; and	)
David Halperin	)
	)
<i>Plaintiff(s)</i>	)
v.	)
Elisabeth Devos, in her official capacity as Secretary	)
of the U.S. Department of Education; and	)
United States Department of Education	)
	)
<i>Defendant(s)</i>	)

Civil Action No. 1:19-cv-986

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* U. S. Department of Education  
Office of General Counsel  
400 Maryland Avenue,  
S.W. Room 6E300  
Washington, DC 20202-2111

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nandan M. Joshi  
Allison M. Zieve  
Patrick D. Llewellyn  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: 04/09/2019

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:19-cv-986

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))***

This summons for *(name of individual and title, if any)* U.S. Department of Education  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

Public Citizen;	)
Public Citizen Foundation; and	)
David Halperin	)
	)
<i>Plaintiff(s)</i>	)
v.	)
Elisabeth Devos, in her official capacity as Secretary	)
of the U.S. Department of Education; and	)
United States Department of Education	)
	)
<i>Defendant(s)</i>	)

Civil Action No. 1:19-cv-986

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Jessie K. Liu  
U.S. Attorney, District of Columbia  
Fourth Floor  
501 Third Street, N.W.  
Washington, D.C.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Allison M. Zieve  
Nandan M. Joshi  
Scott Nelson  
Public Citizen Litigation Group  
1600 20th Street NW  
Washington, DC 20009

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: 04/09/2019

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:19-cv-986

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* William Barr, Attorney General  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc: